

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, AUGUST 7, 2007.

Board Members Present: *John F. Coates, Chairman*
Steven E. Nixon, Vice-Chairman
Larry W. Aylor
William C. Chase, Jr.
Sue D. Hansohn
Brad C. Rosenberger
Steven L. Walker

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Nixon led the members of the Board and the audience in the Pledge of Allegiance to the Flag.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Frank Bossio, County Administrator, asked that the following changes be made to the agenda:

Under **GENERAL COUNTY BUSINESS**, delete **PRESENTATION ON COMMUNITY DEVELOPMENT AUTHORITY (CDA)**;

Under **COMMITTEE REPORTS, RULES COMMITTEE**, add item (4) Consideration of Resolution to Join with Other Localities of the Commonwealth in Formulating Recommendations to the General Assembly for Legislative Solutions to Problems Caused by Illegal Aliens; and

Under **CLOSED SESSION**, add item 7. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for discussion with legal counsel and staff regarding negotiations of a contract with another public entity located outside of the County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.

Mr. Nixon moved, seconded by Mr. Walker, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

APPROVAL OF MINUTES

The minutes of the July 3, 2007 regular meetings were presented to the Board for approval.

Mrs. Hansohn moved, seconded by Mr. Nixon, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider a motion to ratify approval of an advertisement for a public hearing for an ordinance change to Chapter 7 - Elections.
- b. The Board will consider approving a grant application for the Sheriff's Office from the U. S. Department of Justice, Office of Community Oriented Policing Services. The grant would provide deputy overtime, equipment, supplies and training for School security in the amount of \$15,850. Federal funds \$7,925; local funds \$7,925 from Sheriff's Operating budget.
- c. The Board will consider approving a budget amendment for the Department of Human Services for additional funds received for Families First in the amount of \$2,930.
- d. The Board will consider acceptance and appropriation of a donation received for the 2007 Air-fest in the amount of \$1,000.
- e. The Board will consider acceptance of a grant and appropriation of the funding for the Clerk of the Circuit Court for funds received from The Library of Virginia in the amount of \$4,084 for records preservation. No local funds required.
- f. The Board will consider approving a budget amendment for the Library from funds received from the Estate of T. Edwin Grimsley in the amount of \$107,941.22 for possible expansion of the current Library or a branch library in the northern end of the County.
- g. The Board will consider approving a budget amendment for the Department of Economic Development regarding the amendment to the Pathfinders contract in the amount of \$7,500.
- h. The Board will consider approving a budget amendment for the Commissioner of the Revenue's Office, Reassessment Division, in the amount of \$142,677 to add two (2) new full-time assessors as a result of converting to a two-year reassessment.
- i. The Board will consider ratifying the filing of "Notice of Participation of Respondent Board of Supervisors of Culpeper County" in Case No. PUE-2007-00031 on the 500 kV transmission line proposed by Dominion Virginia Power before the Virginia State Corporation Commission.

j. The Board will consider ratifying the Resolution permitting John Gallo to discharge fireworks on his property located at 15691 Gibson Mill Road on August 4, 2007.

Mr. Walker questioned whether the two new positions being added under item h. would replace the part-time data collectors. Mr. Bossio assured him that the data collectors had been removed from the budget.

Mr. Nixon moved, seconded by Mr. Aylor, to approve the Consent Agenda as presented.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

UPDATE ON RECREATION FOUNDATION, INC.

Mr. Charlie Barrell, President, Recreation Foundation, Inc., provided an update on the fund-raising efforts for the Culpeper Sports Complex. He reported that one of the major issues was providing electricity from the well house to the scoreboards. He said he had received a quote for installing electricity to the scoreboards, but it had included other electrical work, and he hoped to get the work done for less. He added that he had also investigated using solar power. He also reported that an agreement had been reached regarding building two concession stands, one at the baseball field and one at the football-soccer complex, that would include restrooms and storage for the equipment. He said that Anthony Clatterbuck, Greystone Homes, had agreed to be the general contractor without charge and was in the process of developing a materials list and prices in order to line up subcontractors, one of which was P. W. Stilwell, a plumbing contractor. He said that Mr. Clatterbuck had asked that the Foundation assure him that the money would be in hand or guaranteed prior to his commencing the work.

Mr. Barrell stated the Foundation was in the process of initiating a mailing to local businesses and households in Culpeper County, as well as having the Youth Association assist in a mailing to their members asking for help in fund-raising. He asked the Board if they would agree to underwrite a certain amount in order to move forward. He said that money previously raised by the Foundation had been spent as follows: \$63,000 for fencing for the baseball fields; \$4,300 on breakaway bases for the infields; \$62,000 on scoreboards; \$3,500 for a portable scoreboard for the soccer fields; \$11,400 for bleachers; and \$4,200 thus far on the initial architecture for the concession stands, which left \$60,990 in the bank.

Mr. Chase asked if anyone had contacted the big businesses that recently relocated in Culpeper, such as Lowe's, Kohl's, and Target. Mr. Barrell replied that the Foundation had been

in the process of doing that when the Piedmont Building Association stated they would be contacting a lot of the larger businesses connected with their suppliers, but an appeal would be made to those new businesses.

Mr. Walker asked what was the estimated amount needed to support the building construction. Mr. Barrell replied that Mr. Clatterbuck's initial estimate was \$600,000 for Miller Brothers to build both of the concession stands.

Mr. Walker inquired whether the scoreboards had been purchased. Mr. Barrell said that the scoreboards had been purchased and installed, but there was the problem of getting electricity to them. He said the initial price for electricity was approximately \$70,000 and that was more than the scoreboards cost. Mr. Walker inquired about the cost for solar energy. Mr. Barrell replied that the cost was approximately \$30,000. Mr. Walker asked whether the scoreboards needed to be especially designed to handle solar power.

Mr. John Barrett, Director of Parks and Recreation, replied that the scoreboards could handle solar power without any problem. He said with reference to the concession stands, Miller Brothers had estimated it would cost \$600,000 for both, but he felt that price could be reduced by \$100,000 by eliminating some unnecessary items. He said that Mr. Clatterbuck would like to have at least 60 percent of that amount guaranteed up front.

Mr. Coates thanked Mr. Barrell for his and the Foundation's efforts in raising money in the community and stated he felt the mailing to the new businesses would help tremendously.

Mr. Nixon pointed out that 60 percent of the amount needed for the concession stands would be approximately \$300,000. Mr. Barrell agreed that amount would need to be in hand or guaranteed prior to beginning construction. Mr. Nixon asked if Mr. Barrell had a percentage in mind for the Board's participation. Mr. Barrell replied that he would like to have a commitment from the Board to the extent the Foundation was unable to raise the money.

Mr. Nixon noted that if the conduit method of running a cable underground to the scoreboards were used, it could be costly if the cable failed at some point in the future. He felt that solar energy would be more effective in the long run. Mr. Barrett stated that solar was basically an alternative method and since the electric power was already onsite, it would probably be the most permanent method to use.

Mr. Barrell reported that 3,100 youth participated in the various sports programs last year, and did not include basketball and wrestling.

Mr. Coates thanked Mr. Barrell again for his efforts.

PRESENTATION ON COMMUNITY DEVELOPMENT AUTHORITY (CDA) - (Deleted)

PERSONAL PROPERTY TAX RELIEF ACT ANNUAL PERCENTAGES

Mr. Bossio asked for the Board's consideration of a resolution for the possible relief percentage reduction related to the personal property tax bills for FY08 (to be billed in calendar year 2007). He explained that the PPTRA provided 38 percent relief last year, but that rate diminished to 36 percent this year due in large measure to the influx of more vehicles into the County. He stated that Mr. Barry Atchison of the Commissioner of the Revenue's Office was present to answer any questions.

Mr. Nixon commented that PPTRA was confusing to many people and asked the County Administrator to provide a brief explanation because some citizens assumed they would receive a 70 percent relief rate.

Mr. Bossio explained that in prior years, the personal property tax relief was approximately 70 percent and the County had been capped at approximately \$950,000. The personal property tax relief rebate from the State was based on the 2004 level. He stated that the tax relief remained at 70 percent for localities that were stable or had diminishing population, but for a growing community, the tax relief diminished since it was spread out among the total number of vehicles that would qualify for the personal property tax relief. He said last year, the percentage had been reduced to 38 percent and, for this year, it reduced to 36 percent based on the number of new vehicles in the County.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the resolution reflecting the estimated percentage of personal property tax relief at 36 percent.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

AWARD OF CONTRACT

Mr. Carl Sachs, Economic Development Director, asked for the Board's consideration to award a contract to Capital Marketing, Inc., to provide consulting services for marketing economic development. He said that Capital Marketing of Fairfax, Virginia had been providing marketing services for a number of years, but the contract had expired. He said after an RFP had been issued for a marketing consultant, a panel reviewed the three proposals received and recommended that the contract be awarded to Capital Marketing to provide marketing services not to exceed \$140,000 per year for a period of four years.

Mrs. Hansohn asked about the success rate of Capital Market in the past. Mr. Sachs replied that it was difficult to put a one-on-one cost benefit on marketing, but from comments

received from individuals contacting him, the ads had been outstanding in relaying the message about the community's quality of life and outstanding workforce. He said the new contract's emphasis would be shifted towards the Northern Virginia and Washington, D.C. area and piggyback on the Terremark announcement that Culpeper was a location in which telecommunication companies could do business with sufficient power, efficient workforce, a high quality of life, and a very friendly government with which to work.

Mr. Walker recalled that when Capital Market had previously been engaged to do consulting work, they provided a full-scale presentation of their marketing strategies, and he suggested that they be asked to make a presentation to the Board regarding the scope of their work. Mr. Sachs stated he would schedule a presentation for the September meeting.

Mr. Chase commented that Terremark sold itself when it came to Culpeper, and he would like to see what Capital Marketing had to offer that was not already available. Mr. Sachs agreed that Terremark was a stimulus for other businesses to locate here, but it was necessary to ensure that other businesses knew that Terremark was located in the County and the reasons why they were here. He said that Capital Marketing was excellent in getting that news out in a manner that was professional so others would respond.

Mr. Coates asked whether the current contract cost was compatible with the previous contract. Mr. Sachs stated that the price was compatible with professional consultants of this type and the cost was dependent only on how much work the County required. He added that the amount of the contract exceeded the current Economic Development advertising budget, but it was bid for the higher amount to avoid being restricted in the event other opportunities arose. Mr. Coates asked how much was in the advertising budget. Mr. Sachs replied there was \$98,000 at the present time, but he was hopeful of securing some additional funds based on the overall marketing plan.

Mr. Coates inquired whether the contract could be delayed for a month. Mr. Sachs replied that he preferred that it be approved today because the consultant had been in the middle of producing the 2007-08 marketing program, and the work basically stopped when he learned the contract expired in July. He said he understood that the presentation was not contingent upon the approval of the contract.

Mr. Chase clarified that his vote for totally based upon the presentation, and he would vote against the renewal if the vote were taken today.

Mr. Aylor asked whether the tourism ads were done by Capital Marketing. Mr. Sachs replied that the tourism ads had not been produced by Capital Marketing and the economic

development ads were aimed more toward attracting businesses to Culpeper as opposed to attracting tourists.

Mrs. Hansohn stated she would like to see the contract moved forward because the County had been experiencing significant commercial development in the last few years, and some of the development was a result of these marketing efforts. She said that suggestions could be made to the consultant at the time of the presentation in September.

Mr. Aylor agreed with Mrs. Hansohn and added that marketing was a good investment and he would like to keep commercial development strong.

Mr. Sachs corrected his earlier statement that the contract was for four years, while it actually was a five-year contract unless terminated earlier in accordance with the contract terms. Mrs. Hansohn pointed out that under Contract Amount, it stated that an amount not to exceed \$140,000 would be paid. Mr. Sachs agreed that \$140,000 could not be exceeded in any year, but the amount was contingent upon the marketing budget. He added that the contract could be terminated either by default or by convenience if he and/or the Board felt the contract was no longer appropriate.

Mr. Nixon agreed that the marketing strategy had been successful in the past, and he would like to move forward with the contract.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the contract with Capital Marketing not to exceed \$140,000 per year for a five-year period.

Mr. Chase stated he did not want to commit \$140,000 of taxpayers' money before he heard the presentation. Mr. Sachs reiterated he had exactly \$98,000 in the advertising budget that could be committed during the current budget year.

Mr. Rosenberger asked whether Capital Marketing had prepared the radio ads that have been done previously. Mr. Sachs replied that Capital Marketing contracted with the radio station that actually prepared the ads. Mr. Rosenberger stated he agreed with Mr. Chase on this matter, and he was not trying to stall any attempt to do economic development, but a lot of the ads were geared toward developing "rooftops" rather than recruiting new businesses. He said he felt it was a good idea to hear the presentation before committing to a contract.

Mr. Maddox emphasized that the amount of the contract, if approved, would be for \$98,000 because that was the amount that had been appropriated and the contract would be subject to each annual appropriation. He said that there was a termination for cause provision and a termination for convenience provision in the contract, so the contract could be terminated at any time if the work was not satisfactory.

Mrs. Hansohn asked if the contract were approved prior to the presentation could the direction of the contract be changed after the Board heard the presentation. Mr. Sachs assured her that if the Board were to disagree with any part of the program or in the direction being taken, the consultant would make changes and follow the Board's suggestions.

Mr. Chase felt that Capital Marketing would come in with a more complete and thorough presentation without a contract.

Mr. Coates stated he would support the motion because Capital Marketing had a good track record in marketing and had done a good job for the County.

Mr. Bossio pointed out that the economic development budget was reviewed every year, with a determination on the amount of money for advertising. He said that having the contract would avoid the bidding process each year because there was already a company that was successful, that was competitive in a succeeding bid engagement, and that allowed the Board to exercise its marketing in a way that was appropriate and for the exact amount of money in the budget – but not to exceed \$140,000.

Mr. Walker stated he agreed with Mr. Chase in regards to the timing of the presentation, but since the contract was just a vehicle, he also agreed that it should be moved forward.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Walker

Nays - Chase, Rosenberger

Motion carried 5 to 2.

Mr. Coates recessed the meeting at 10:45 a.m.

Mr. Coates called the meeting back to order at 11:00 a.m.

NEW BUSINESS

COMMITTEE REPORTS

BUILDINGS AND GROUNDS COMMITTEE REPORT - JULY 10, 2007

Mr. Aylor reported that the Buildings and Grounds Committee met and was forwarding the following recommendations to the Board.

1. Recommending approval of the design for the Commissioner of the Revenue's and Treasurer's space in the Wachovia Bank building;
2. Authorizing Mr. Howard to move forward with a new exterior sign for the Administration Building; and
3. Recommending acceptance of a donated parcel of property on Route 3, east of the Town of Culpeper, based on the favorable outcome of the Phase 1 environmental study.

Mr. Aylor asked Mr. Paul Howard, Environmental Services Director, to provide information on the design of the space for the offices of the Commissioner of the Revenue and the Treasurer in the Wachovia Bank building

Mr. Howard reported that the Committee had been working for several months with the Commissioner of the Revenue and the Treasurer on utilizing the space in the Wachovia Bank Building. He indicated the plan was to have the Commissioner of the Revenue located in the front portion of the lobby on the main floor, the Treasurer's Office would be in the rear portion of that main floor, and the Assessment Division of the Commissioner of the Revenue's Office would be located downstairs and share the space with the new Records Management office. He said that since the Committee meeting, some minor adjustments had been made to the Tax Relief Office and a couple of walls were moved in the Treasurer's space, but all of the changes were minor and did not change the total space allocation for each department. He stated that the main focus was to move the two departments out of the Courthouse so the Court functions could expand. He asked for the Board's approval to finalize the design and send the project out for bids.

Mr. Chase expressed concern that a citizen would have to walk through the Commission of the Revenue's space to reach the Treasurer. Mr. Howard stated that was not the case, since the public lobby would be shared, with counters for on either side for each department. Mr. Chase felt this arrangement would cause long lines to be formed in the lobby and create congestion.

Mrs. Hansohn asked Mr. David DeJarnette, Treasurer, for his opinion. Mr. DeJarnette stated that he felt the County was missing an opportunity to redesign the interior of the whole building. He pointed out that the existing structure and interior had been used by the banking industry for 30 to 40 years, and it had been reconfigured many times. He said the space did allow his office to have almost equal space as currently in the Courthouse building.

Mr. Chase suggested it would be more feasible to move the Treasurer's Office in the entire downstairs space, and locate the Commissioner of the Revenue in the whole upstairs. Mr. DeJarnette pointed out that the upstairs space was not large enough to accommodate the Commissioner's office since the upstairs was considerably smaller than the entire basement area. Mr. Chase then suggested that the Commission's office could have the downstairs, and have the Treasurer's office on the main floor.

Mr. DeJarnette stated that his staff was smaller than the Commissioner's staff, with seven full-time employees and one part-time employee, so the basement space would meet the

existing need. He expressed concern regarding what would occur in the future with the growth taking place in the County. He was pleased that his offices were being moved out of the Courthouse since the security there was disrupting to the public.

Mrs. Hansohn asked whether Mr. DeJarnette would like to take another look at the space arrangement. Mr. DeJarnette replied that his recommendation would be to have an entire reconfiguration of the interior of the Wachovia building from top to bottom. He said the ceilings were almost 30 feet tall, and there was no second floor above the lobby area. He suggested that the building could be completely redesigned into a modern office space with three full floors that would fulfill the future needs of the Commissioner's Office and the Treasurer's Office.

Mr. Aylor pointed out that the Buildings and Grounds Committee had spent considerable time on the proposed design, and the Committee was concerned about the cost. He noted that the upper floor was to be used for the Registrar's Office. He said the possibility of the Wachovia space becoming available in the future would address some further needs at that time, but the proposed design was the most cost effective way to address the space issue at this time.

Mr. Chase pointed out that the two offices should not be facing each other in the downstairs because there would be long lines waiting to be served. He felt the space was set up for banking, which would fit the Treasurer's Office. He also pointed out that the cars would be lined up on the street waiting to go through the drive-through window. He said the proposed design created a lot of problems with little room to expand. He stated he would like to see the two offices separated with one floor for the Treasurer and one floor for the Commissioner of the Revenue, and to add an additional floor when expansion was needed five to ten years in the future.

Mr. Coates stated as a member of the Buildings and Grounds Committee, he could assure the Board that the issues had been discussed many times at great length with the architect, and with the help of the Commissioner and the Treasurer. The current design was the best situation with the existing structure and was an improvement over the existing space in the Courthouse. He said that since some additional space would be acquired when Wachovia vacated the building, he would support the recommendation.

Mrs. Hansohn asked whether the design was flexible enough to easily add an additional floor in the future. Mr. Howard replied that the additional floor was possible, but it would be extremely costly since the footers in the basement would have to be shored up and support provided for the roof.

Mr. Walker asked whether the drive-through window would improve efficiency and reduce the lines in the lobby. Mr. DeJarnette replied that the drive-up would not make a significant change because of its proximity to the Town's parking lot behind the building, but it would be helpful to the disabled and elderly who could not park their cars and enter the building.

Mr. Walker asked whether it would be advantageous in high volume periods to have both the Commissioner's counter and the Treasurer's counter in the shared lobby area where the two departments could share staff. Mr. DeJarnette agreed that it may relieve some of the citizens' frustrations when the Treasurer's staff was explaining something and it could be heard by citizens waiting in the Commissioner's line since it would not need to be explained again.

Mr. Chase asked where the Assessors were located at the present time. Mr. Howard replied that the Assessors' Office was now in the Town Hall, and a definite plan had not been developed on how that space would be utilized when the Assessors were moved.

Mrs. Hansohn inquired whether it would be prudent to leave the Assessors in their current space, which would free up more space for the Treasurer. Mr. Howard replied that the Commissioner would like to have her operations consolidated into one location.

Mr. Nixon stated that as a member of the Committee, he had also listened to a lot of the discussion. He said he had no objection with having the Commissioner and the Treasurer in the same building and on the same floor, but he was concerned that there would be no room for expansion for the Treasurer's Office. He also said he was concerned that the Town Hall was recently renovated and would need to be renovated again once the Assessors were moved out. He stated that the Assessors were working fine without being in the same building with the rest of the Commissioner's staff.

Mr. Chase stated he felt the Assessor's Office should be a separate entity with its own director and that was another reason to leave them in their current space.

Mr. Nixon stated that if the Assessors were moved out of Town Hall and into the Wachovia building basement, there would be no room for expansion. Mr. Howard pointed out that the only expansion space for the entire building, other than doubling up offices, was the Wachovia Bank space when they moved out of the building.

Mr. Nixon stated he understood there would be insufficient space in the Town Hall when the two new assessors were hired so perhaps the Board should continue with the current plan to move the Assessors' office to the Wachovia Building. He asked whether the Town Hall would need to be renovated again or would the existing renovations be appropriate to move people into

those offices. Mr. Howard replied that the space could be left in its current configuration and additional money would not be needed to redo the building.

Mr. Chase stated he was under the impression that additional assessors would not be added since the two part-time employees would be made permanent.

Ms. Donna Culp, Chief Appraiser, stated that all of the part-time people were data collectors and they would no longer be used, and the two new positions approved were for full-time appraisers. She added that the part-time data collectors did not have any workspace in the Town Hall, and they only came into the conference room to pick up and deliver work.

Mr. Chase asked how many employees would be in that office. Ms. Culp replied that there would be a total of nine employees.

Mr. Aylor stated that he and Mr. Howard had met with the Assessor's Office and reviewed their space needs. He said the space in the Town Hall was not working because, in addition to the crowded conditions, there was no security to prevent people from walking in off the street and going back into the office space. He said that purchasing the Wachovia Building and working with a talented architect was the best scenario that was friendly to the available budget. He agreed that the design was not perfect, but it was an opportunity to have more space in the future and he was going to support the Committee's recommendation.

Mr. Aylor moved, seconded by Mr. Walker, to approve the design for the space in the Wachovia Bank building for the Commissioner of the Revenue and the Treasurer.

Mr. Coates called for voice vote and then a show of hands.

Ayes - Aylor, Coates, Rosenberger, Walker

Nays - Chase, Hansohn, Nixon

Motion carried 4 to 3.

Mr. Aylor moved to approve the new exterior sign for the Administration Building.

Mr. Howard explained that the Committee had reviewed a proposed design for a new sign for the Administration Building to replace the current white sign in front of the building. He displayed a copy of the proposed sign which was tan with red background, with the County seal at the top, which would be mounted on a brick base. He noted that all signs in the Town's historic district required a solid brick base.

Mr. Chase asked for clarification of the Town's requirement. Mr. Howard explained that the Architectural Review Board required a solid base on new signs within the Town's historic district.

Mr. Chase seconded the motion.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Aylor moved to accept a donated parcel of property on Route 3, east of the Town, based on the favorable outcome of a Phase 1 environmental study.

Mr. Howard explained there was a seven-acre property west of the Lignum Convenience Center that had been donated to the County by the Kirkpatrick family to be used for a wayside park. He said that Parks and Recreation would arrange to have some house trailers and other items removed from the property. He also said that a Phase I environmental assessment would be needed to ensure there were no contamination problems on the site caused by old storage barrels on the property, in addition to some old equipment.

Mr. Chase seconded the motion.

Mr. Nixon stated it was his understanding that if the environmental assessment was favorable, the County would accept the donation; and if a nonfavorable environment assessment was received, the offer would either be returned to the Committee or the Board for final approval.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #1 for details of meeting.

RULES COMMITTEE REPORT - JULY 10, 2007

Mr. Walker reported that the Rules Committee met and was forwarding the following recommendations to the Board.

1. Recommending approval of the Referendum Election Initiation Procedures and change the eight (8) months to six (6) months in paragraph 2, and include the requirements for Voter Petitions to Call for Referendum Elections and the Initiatives;
2. Recommending that the Purchase of Development Rights Ordinance (PDR) be advertised for a public hearing;
3. Recommending approval of the resolution to make English the official language of Culpeper County.
4. Consideration of Resolution to Join with Other Localities of the Commonwealth in Formulating Recommendations to the General Assembly for Legislative Solutions to Problems Caused by Illegal Aliens.

Mr. Walker moved to include in the Board's policy a referendum election initiation process as submitted by the County Attorney.

Mr. Walker explained that the policy was initiated basically by a request from a citizen to put an item on a referendum, but there were no policy procedures in place to allow a citizen to initiate a referendum item. He pointed out the only change made in the County Attorney's proposed policy was to decrease the timing for submission from eight months to six months in advance of the actual November election.

Mr. Chase seconded the motion.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker moved, seconded by Mr. Chase, to approve the advertisement for a public hearing of the Purchase of Development Rights Ordinance (PDR).

Mrs. Hansohn asked for a presentation on the ordinance at the time of the public hearing. Mr. Sachs agreed.

Mr. Walker noted that the ordinance would put into place the procedures to follow in the event the Federal or State Government or another entity provided funding for such a project. He said the Rules Committee was considering a policy regarding transfer developmental rights that would be forwarded at a later date.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker moved, seconded by Mr. Chase, to approve the resolution to make English the official language of Culpeper County.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker moved, seconded by Mr. Chase, to approve the resolution to join with other localities of the Commonwealth in formulating recommendations to the General Assembly for legislative solutions to problems caused by illegal aliens.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #2 for details of meeting.

PUBLIC WORKS COMMITTEE REPORT - JULY 10, 2007

Mrs. Hansohn reported that the Public Works Committee met to consider a waste service agreement with a public contractor and the item would be heard in Closed Session since it involved the initiation of a contract.

See Attachment #3 for details of meeting.

ECONOMIC DEVELOPMENT REPORT

Mr. Carl Sachs, Director of Economic Development, reported that:

1. The update on commercial development indicated that two new commercial projects had submitted site plans: Walgreen's to build a new pharmacy at the southeastern intersection of Business 29 and Montanus Road; and McClain and Company to expand its manufacturing operation on Route 3 in the Stevensburg District.
2. The demographics study that The Pathfinders were charged with completing contained numerous maps that could not be sent to the Board electronically. The numbers were stronger than expected and the data were collected on a 30-mile radius from the intersection of 666 and US 29, a 60-minute drive time from that intersection, and a 60-mile radius from that point. The population numbers in 2006 for the 30-mile radius were 340,458 people, significantly higher than the County numbers, and the western portions of the City of Fredericksburg were within that 30-mile radius. In 2011, that number increased to an estimate of almost 400,000, with the anticipation of a 15.8 percent growth rate between now and 2011. The growth rate from 2000 to 2006 was just slightly under 30 percent. The household income was \$63,285 for the 30-mile radius and that figure increased with the distance traveled; and similarly the 2011 median income jumped to \$70,574, that also increased with the distance outward. The information is valuable in informing businesses and industries interested in relocating about the market area in Culpeper.
3. Copies of the PTAC County bus numbers for the previous month were provided.

Mr. Sachs announced that today's luncheon guest was Mr. Robert Ellis, Vice President of Engineering and Operations for Rappahannock Electric Cooperative.

AIRPORT ADVISORY COMMITTEE REPORT - JULY 11, 2007

Mr. Bossio reported that the Airport Committee met and approved a motion to award Campbell and Paris Engineers a three-year contract for airport contractual services. He said the contract was currently awaiting Federal Aviation Administration approval and would be presented to the Board in September for consideration. He also reported that the Airport

Conference at which funding for the new terminal construction and design would be discussed would be held August 22-24, and he planned to attend to represent the County.

ADMINISTRATOR'S REPORT

Mr. Bossio had nothing to report.

CLOSED SESSION

Mr. Nixon moved to we enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) An appointment to the Distribution Committee of The Culpeper Foundation; (B) An appointment to the County Library Board; and (C) Staffing in a specific County agency.
2. Under *Virginia Code* §2.2-3711(A)(10), for consideration of potential nominees for the "Culpeper Colonel" award.
3. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for discussion regarding the negotiating terms of a solid waste service agreement with a public contractor, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
4. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for consultation with the County Attorney and staff regarding negotiations concerning a specific public contract, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
5. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for consultation with the County Attorney and staff regarding negotiations concerning a specific public contract, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
6. Under *Virginia Code* §2.2-3711(A)(7), for discussion with legal counsel and staff regarding actual litigation involving the County, where discussion in an open meeting would adversely affect the negotiating and litigation posture of the County.
7. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for discussion with legal counsel and staff regarding negotiations of a contract with another public entity located outside of the County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.

Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Nay – Chase

Motion carried 6 to 1.

Mr. Coates recessed the meeting at 11:47 a.m. for a lunch break.

The Board entered into closed session at 1:30 p.m.

The Board returned to open session at 4:28 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show Mr. Chase was not present for the closed session.

Ayes – Aylor, Walker, Coates, Nixon, Rosenberger, Hansohn

COUNTY ATTORNEY AUTHORIZED TO SIGN WAIVER

Mr. Nixon moved, seconded by Mr. Walker, to authorize the County Attorney to sign a waiver of potential conflict with McQuire Woods on behalf of the County in the Dominion SCC proceedings.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

REAPPOINTMENT TO LIBRARY BOARD

Mr. Nixon moved, seconded by Mr. Aylor, to reappoint Donna L. O'Halloran to the Culpeper County Library Board.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

APPOINTMENT TO THE CULPEPER FOUNDATION

Mr. Nixon moved, seconded by Mr. Walker, to appoint William O. Simms to the Distribution Committee of the Culpeper Foundation.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

AWARD OF CONTRACT FOR WATER AND SEWER LINES EXTENSION

Mr. Nixon moved, seconded by Mr. Walker, to award a contract for professional easement acquisition services to KDR Real Estate Services for water and sewer line extensions to Coffeewood and the Warrenton Training Center.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

AWARD OF CONTRACT

Mr. Nixon moved, seconded by Mrs. Hansohn, to award to Finley Asphalt and Sealing, Inc. the contract for Route 666 road improvements to the serve the new high school in the amount of \$629,843.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

SOLID WASTE AGREEMENT WITH RAPPAHANNOCK COUNTY

Mr. Nixon moved, seconded by Mr. Aylor, to enter into a Solid Waste Service Agreement between Culpeper and Rappahannock Counties to receive solid waste from Rappahannock County for a fee of \$270,000 per year.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

ADJOURNMENT

Mrs. Hansohn moved to adjourn at 4: 30 p.m.

Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk to the Board

Approved: September 4, 2007